

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE SUSPENSION OF)
POLICE OFFICER RICHARD RIZZO,) **No. 14 SR 2329**
STAR No. 17012, DEPARTMENT OF POLICE,)
CITY OF CHICAGO.) **(CR No. 1036412)**

FINDINGS AND DECISION

On or about May 14, 2014, the Superintendent of Police suspended Police Officer Richard Rizzo, Star No. 17012, for fifteen (15) days for violating the following Rules of Conduct:

- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 7: Insubordination or disrespect toward a supervisory member on or off duty.
- Rule 10: Inattention to duty.
- Rule 30: Leaving duty assignment without being properly relieved or without proper authorization

On June 11, 2014, Officer Rizzo filed with the office of the Police Board a request for Police Board review of this suspension. On June 17, 2014, Officer Rizzo filed with the office of the Police Board a memorandum delineating specific reasons for which he requested the review.

The Executive Director of the Police Board assigned this matter to Hearing Officer Jacqueline A. Walker. Hearing Officer Walker reviewed the investigation file and submitted a written report to the Police Board.

The members of the Police Board reviewed the Summary Report of the investigation file, the recommendations of Command Channel Review, Officer Rizzo's memorandum, the Independent Police Review Authority's response to Officer Rizzo's memorandum, and Hearing Officer Walker's report. Hearing Officer Walker made an oral report to and conferred with the Police Board before it rendered its findings and decision.

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its consideration of this matter, finds and determines that:

1. The allegation, set forth below, that Police Officer Richard Rizzo, Star No. 17012, violated Rule 2 and Rule 30 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On December 5, 2008, between 0410 hours and 0600 hours, during the investigation of Log No. 1022240/Extraordinary Occurrence (EO) No. 08-56, Police Officer Richard Rizzo, while on duty, left the District without permission while an EO investigation was being conducted by the Department.

An Extraordinary Occurrence – Detention Facility Report was completed by Lieutenant John Andrews, indicating that on December 5, 2008, at the lock-up at the 11th District, an arrestee, Roscoe Davis, was uncooperative and threatened suicide, resulting in a Taser being used on Davis. An investigation was conducted regarding this incident. Lieutenant Andrews reported that during the investigation it was revealed that Police Officer Rizzo was to officially end his tour of duty at 0600 hours; however, Officer Rizzo left his duty station at 0500 hours, prior to his official ending time. Officer Rizzo, had no permission to leave his duty station, as the major incident involving Davis was still under investigation.

2. The allegation, set forth below, that Police Officer Richard Rizzo, Star No. 17012, violated Rule 2 and Rule 10 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On December 5, 2008, between 0410 hours and 0600 hours, during the investigation of Log No. 1022240/EO No. 08-56, Police Officer Richard Rizzo, while on duty, failed to submit a report regarding the lock-up incident.

Police Officer Rizzo was assigned as the Lockup Keeper on the day and time in question, and as such Officer Rizzo was responsible for conducting the 15-minute well-being checks on detainees and to report this in the log book. The last entry in the log book that was made by Officer Rizzo was at 0500 Hours, and there was no indication of the incident involving Davis.

3. The allegation, set forth below, that Police Officer Richard Rizzo, Star No. 17012, violated Rule 2 and Rule 7 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On December 5, 2008, at approximately 0830 hours, Police Officer Richard Rizzo, while off duty, failed to obey a direct order given by a supervisor to contact Lieutenant Andrews regarding an EO investigation in the lock-up.

Lieutenant Andrews reported that he directed Sergeant Lee Bielecki to contact Officer Rizzo personally at his home and to order Officer Rizzo to immediately report to Lieutenant Andrews at the 11th District regarding the incident involving Davis. Officer Rizzo failed to contact Lieutenant Andrews as ordered.

4. The Police Board has considered the facts and circumstances of Officer Rizzo's conduct, and his complimentary and disciplinary histories. Leaving one's assignment without permission, failing to complete a required report, and disobeying a direct order from a supervisor are serious offenses, and the fifteen-day suspension ordered in this case is not unwarranted.

POLICE BOARD DECISION

The Police Board of the City of Chicago hereby adopts the findings set forth herein by the following votes:

By votes of 9 in favor (Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney) to 0 opposed, the Board **sustains** the allegations that Police Officer Richard Rizzo violated Rule 2, Rule 7, Rule 10, and Rule 30.

As a result of the foregoing, the Board, by a vote of 9 in favor (Carney, Foreman, Ballate, Conlon, Eaddy, Fry, McKeever, Rodriguez, and Sweeney) to 0 opposed, hereby determines that cause exists for suspending Police Officer Richard Rizzo from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period of fifteen (15) days.

NOW THEREFORE, IT IS HEREBY ORDERED that the suspension of Police Officer Richard Rizzo, Star No. 17012, for a period of fifteen (15) days is **sustained**.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20th DAY OF NOVMEBER, 2014.

Attested by:

/s/ DEMETRIUS E. CARNEY
President

/s/ MAX A. CAPRONI
Executive Director

DISSENT

The following members of the Police Board hereby dissent from the Findings and Decision of the majority of the Board.

[None]

RECEIVED A COPY OF
THESE FINDINGS AND DECISION
THIS ____ DAY OF _____, 2014.

GARRY F. McCARTHY
Superintendent of Police